

ESTTA Tracking number: **ESTTA285597**

Filing date: **05/22/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	78366315
Applicant	American Gateway Marketing Group, Inc.
Applied for Mark	ZENERGY
Correspondence Address	Mark G. Falkin Attorney@Law 4107 Medical Parkway Suite 207 Austin, TX 78756 UNITED STATES mark@trademarkfalkin.com
Submission	Cover Letter for Settlement Agreement
Attachments	ea_ttab_letter.pdf (1 page)(34027 bytes)
Filer's Name	Mark Falkin
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Signature	/mf/
Date	05/22/2009

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Via Fax (571) 273-9102

Re: Mark: ZENERGY
Ser. No.: 78366349 (currently under appeal)

Mark: ZENERGY (& Design)
Ser. No.: 78366315 (currently under appeal)

May 22, 2009

Mr. Smiga,

Please find enclosed the Trademark Consent and Settlement Agreement between the applicant and the registrant cited in these applications as likely to cause confusion. Please consider this agreement in the further examination of this matter and the appeal thereof. If you find that this agreement obviates the appeal, one of which (Ser. No. 78366315), is back within your jurisdiction from the TTAB, I will withdraw such.

Applicant believes that the foregoing fully and satisfactory responds to all outstanding issues and respectfully requests that the Examiner approve the mark for registration.

Very truly yours,
/Mark Falkin/
Attorney for Applicant/Appellant

cc: TTAB